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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,397

02/26/2004

Bernard Simon

81044249

4516

28866

7590

06/23/2005

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA - FOURTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER

WRIGHT, DIRK

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/787,397

Applicant(s)

SIMON, BERNARD

Examiner

Dirk Wright

Art Unit

3681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-26 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

### *Claims Rejected*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Schulz '640. Schulz shows short pinions 8 each meshing with two long pinions 10.

### *Claims Objected*

Claims 2-7 are objected to because they contain allowable subject matter but depend from a rejected independent claim. The subject matter is allowable because the prior art does not anticipate nor render obvious the claimed subject matter of claim 1 in combination with: wherein the carrier further comprises a support including: a disc disposed substantially perpendicular to, and aligned with the axis, having a first set of axially directed, angularly spaced holes, and a second set of axially directed, angularly spaced holes; posts radially spaced from the axis, extending axially from the disc toward the pinions, each post mutually angularly spaced about the axis; and a pad secured to each post, axially spaced from the disc, extending radially toward the axis, and having a axially directed hole aligned with a hole of the second set of holes.

### *Claims Allowed*

Claims 8-26 are allowable over the prior art of record. The claims are allowable because the prior art does not anticipate nor render obvious the claimed combination of: a gearset assembly comprising: a pinion carrier; a first sun gear including external gear teeth; a second sun gear including external gear teeth; a ring gear including internal gear teeth, a planet pinion

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carrier; long pinions having external gear teeth, each pinion mutually spaced angularly about an axis, supported for rotation on the carrier, and in meshing engagement with the first sun gear and the ring gear; and short pinions having external gear teeth and supported for rotation on the carrier, each short pinion being spaced about the axis, located between two long pinions and meshing with two long pinions; or: a gearset assembly comprising: a pinion carrier including a disc disposed substantially perpendicular to, and aligned with the axis, having a first set of axially directed, angularly spaced holes, and a second set of axially directed, angularly spaced holes; posts radially spaced from the axis, extending axially from the disc toward the pinions, each post mutually spaced angularly about the axis; and a pad secured to each post, axially spaced from the disc, extending radially toward the axis, and having of two axially directed holes, aligned with a hole of the second set, the pads providing axially directed access spaces, each access space being aligned with a hole of the first set of holes; long pinions having external gear teeth, each pinion mutually spaced angularly about an axis, supported for rotation on the carrier, and located in an access space; and short pinions having external gear teeth and supported for rotation on the carrier, each short pinion being spaced about the axis, located between two long pinions and meshing with two long pinions; or: a gearset assembly comprising: a planet pinion carrier; four long pinions mutually spaced angularly about an axis, and supported for rotation on the carrier; and four short pinions supported for rotation on the carrier, each short pinion being spaced about the axis, located between two long pinions and meshing with two long pinions; or: a gearset assembly comprising: a planet pinion carrier; five long pinions mutually spaced angularly about an axis, and supported for rotation on the carrier',

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and five short pinions supported for rotation on the carrier, each short pinion being spaced about the axis, located between two long pinions and meshing with two long pinions.

No particular single feature of the claim renders the claim as a whole patentable. Only the claim taken as a whole combination is deemed new and unobvious.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Prior Art Discussed***

The references cited by the examiner are deemed pertinent to applicant's disclosure. Nishida '011 shows two short pinions engaging one long pinion, which is basically opposite of what applicant is claiming.

#### ***Conclusion***

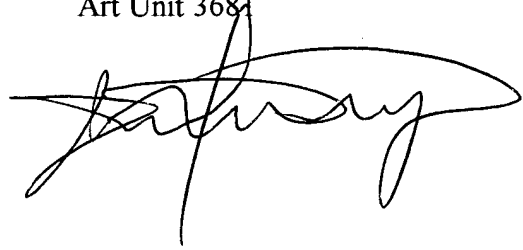
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dirk Wright whose telephone number is 571-272-7098. The examiner can normally be reached on Monday through Friday, 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dirk Wright  
Primary Examiner  
Art Unit 3681

A handwritten signature in black ink, appearing to read 'Dirk Wright', with a large, sweeping horizontal stroke across the middle.

DW  
Monday, June 20, 2005